

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION

IN RE: DERON LITTLE

#16-31247 SHB
Chapter 13
Filed 4/21/2016
Confirmed 2/17/2017

NOTICE OF HEARING

Notice is hereby given that:

A hearing will be held on the Chapter 13 Trustee's Motion to Dismiss on April 4th, 2018 at 11:00, in the Courtroom 1C located at U.S. Bankruptcy Court, Howard H. Baker, Jr. Courthouse, 800 Market St., Knoxville, TN. 37902.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

TRUSTEE'S MOTION TO DISMISS

This is the 4th Trustee's Motion to Dismiss this case as follows (two motions having been filed prior to the confirmation date of February 17th, 2017):

1. On May 31st, 2016, the Trustee filed a Motion to Dismiss and scheduled it for hearing on July 13th, 2016 for failure to file his 2015 Federal Income Tax Return pursuant to 11 U.S.C. §1325 (a)(9). Subsequent thereto, the Trustee received a copy of the Debtor's 2015 tax return and the Motion to Dismiss was withdrawn on July 8th, 2016.
2. On September 21st, 2016, the Trustee filed a 2nd Motion to Dismiss and scheduled it for hearing on October 19th, 2016 for a plan arrearage of \$3,200.00 and failure to provide the August 2016 monthly operating report to the Trustee. Subsequent thereto the debtor paid his case current and provided the missing monthly operating report to the Trustee and the Motion to Dismiss was withdrawn on October 19th, 2016.
3. On October 12th, 2017, the Trustee filed a 3rd Motion to Dismiss and scheduled it for hearing on November 15th, 2017 on several grounds including but not limited to the following: a plan arrearage of \$12,800.00; and failure to provide all paystubs from Gettysvue; and the July 2017 monthly operating report; and an itemized list of draws from Season's restaurant for himself and his spouse for period March 2017 through September 2017; and no evidence of estimated tax payments to the I.R.S. for the 2nd and 3rd quarters for 2017 due June 30th and September 30th, 2017 to the Trustee. Subsequent thereto, the case was paid current and the Trustee received the documents cited in the Motion to Dismiss and the Motion was withdrawn on December 20th, 2017.

The Chapter 13 Trustee moves to dismiss this case under 11 U.S.C. §1307 for the following reasons:

1. The debtor's income is derived from multiple business ventures; therefore, his confirmed plan contains income monitoring provisions. The debtor has not filed any operating reports since December 2017 and operating reports are outstanding for the months of January and February 2018.

2. The debtor's confirmed plan payments are \$3,200.00 semi-monthly; and through the date of this Motion, the debtor is behind \$9,600.00. The secured car creditor is behind as a result of the plan arrearages. A payment schedule is attached as Exhibit A.
3. The Trustee has not received evidence of estimated tax payment made for the 4th quarter 2017 due January 15th, 2018.
4. The Trustee has received creditor complaints about the possible dissipation of estate assets which may include the purchases and financing of household assets without the Trustee and/or court approval.

SUBMISSION AND CERTIFICATE OF SERVICE BY CHAPTER 13 TRUSTEE

Based on information and belief, the Chapter 13 Trustee hereby certifies the correctness of the facts contained in this Motion to Dismiss, Notice of Hearing and Exhibit A and hereby certifies that a true and exact copy of the same has been serviced by electronic mail and/or by first class United States mail postage prepaid on the following individuals as addressed below this 16th, day of March, 2018.

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